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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3738
Examiner Paul B. Prebilic

Firm: U.S. Patent & Trademark Office**Fax No.:** 571-273-8300**Subject:** U.S. Patent Application No. 09/593,591

Gary K. Michelson

Filed: June 13, 2000

MANUFACTURED MAJOR LONG BONE RING
IMPLANT SHAPED TO CONFORM TO A
PREPARED INVERTEBRAL IMPLANTATION
SPACE

Attorney Docket No. 101.0078-00000

Customer No. 22882

Confirmation No.: 5619

FROM:**Name:** Amedeo F. Ferraro, Esq.**Phone No.:** 310-286-9800**No. of Pages (including this):** 6**Date:** October 16, 2007**Confirmation Copy to Follow:** NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate) and Reply to Office Action are being facsimile transmitted to the U.S. Patent and Trademark Office on October 16, 2007.



Miyabi Grace Forker

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FORM PTO-1083

Attorney Docket No.: 101.0078-0000

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Gary K. Michelson

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Confirmation No.: 5619

Art Unit: 3738

Examiner: Paul B. Prebilic

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Reply to the Office Action dated July 16, 2007 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.
- ☐ The total amount of \$***.00 to cover the *** -month extension fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726.
- A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: October 16, 2007

By: 

Amedeo F. Ferraro

Registration No. 37,129

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FORM PTO-1083

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Gary K. Michelson

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Date: October 16, 2007

By: Amedeo F. Ferraro
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RECEIVED
CENTRAL FAX CENTER**OCT 16 2007****PATENT**
Attorney Docket No. 101.0078-00000
Customer No. 22882**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:)	Confirmation No.: 5619
Gary K. Michelson)	
Serial No.: 09/593,591)	Group Art Unit: 3738
Filed: June 13, 2000)	Examiner: Paul B. Prebilic
For: MANUFACTURED MAJOR LONG)	
BONE RING IMPLANT SHAPED)	
TO CONFORM TO A PREPARED)	
INTERVERTEBRAL IMPLANTATION)	
SPACE)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action dated July 16, 2007, the following remarks are submitted:

In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7-12, 14, 16, 85, 86, 88, 89, 91-96, 98, 100, 102-105, 116, 117, 163, 164, 166, 168-173, 175, 179-180, 203, 204, 206, 208, 209, 211, 213, 215, 223, 224, 228-229, 231, 233, 235, 239, 240, 263, 264, 266, 268-269, 271, 273, 275, 279, and 280 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,989,289 to Coates et al. ("Coates"); and rejected claims 1-2, 4, 5, 7-20, 22, 25, 30, 32-35, 85, 86, 88, 89, 91-106, 109, 114-119, 127-129, 148, 158, 163, 164, 171, 174, 175, 179, 180, 203, 204, 206, 208-211, 213-215, 219, 220, 223, 224, 226, 228-231, 233-235, 239, 240, 263, 264, 266, 268-271, 273-275, 279, and 280 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,277,149 to Boyle et al. ("Boyle"). Applicant respectfully traverses the rejections.

Applicant's independent claims 1, 85, 163, 203, 223, and 263 recite an interbody spinal implant having an opening, "a majority of said opening being between said leading end of said body and a plane perpendicular to and bisecting the length of said body along the mid-longitudinal axis." Neither Coates nor Boyle teach or suggest such structure.

Coates teaches a spinal spacer (110, 300) having an opening (130) between the leading and the trailing ends. (See Coates, FIGS. 1, 15). In Coates, a plane

Reply to OA 10-16-07